

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLYNNIS BLAKE,

Plaintiff,

vs.

SEABURY & SMITH, INC., et al.,

Defendants.

Civil Action No.
06-CV-12161-DT

HON. BERNARD A. FRIEDMAN

OPINION AND ORDER
GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
(DKT. NO. 13)

This matter is presently before the Court on Plaintiff's Motion for Leave to File Amended Complaint. The Court has reviewed Plaintiff's motion and the response from Defendant Seabury & Smith, Inc. ("Defendant Seabury & Smith"). Pursuant to E.D. Mich. LR 7.1(e)(2), the Court will decide the motion without oral argument.

Federal Rule of Civil Procedure 15(a) states that "a party may amend the party's pleading [] by leave of court . . . and leave shall be freely given when justice so requires." The United States Supreme Court has emphasized that "this mandate is to be heeded" and that the "grant or denial of an opportunity to amend is within the discretion of the District Court." Foman v. Davis, 371 U.S. 178, 182 (1962). Such discretion should be employed with a "liberal policy of permitting amendments." Marks v. Shell Oil Co., 830 F.2d 68, 69 (6th Cir. 1987).

Here, the Court will grant Plaintiff's Motion for Leave to File Amended Complaint. Although Plaintiff should have better articulated a specific reason or explanation as to why the additional claim was not included in her original Complaint, the Court will allow the amendment for the following reasons. In its response, Defendant Seabury & Smith repeatedly state that an amendment would cause undue delay

and prejudice because “[d]iscovery in this case is set to close very soon.”¹ (Def. Seabury & Smith’s Resp, 1.) However, the Court finds that Defendant’s concerns are no longer applicable because the parties have agreed to extend the discovery deadline, until June 7, 2007. (See Stipulated Order Extending Disc. ¶ 1.) The extension provides the parties with approximately six more weeks of discovery from today’s date. Thus, the Court finds that the amendment will not cause undue delay or prejudice. Furthermore, this is Plaintiff’s *first* request to amend her Complaint. Lastly, the Supreme Court and Sixth Circuit have clearly found that federal courts should follow a liberal policy of allowing complaints to be amended. As such, this Court liberally grants amendments under Rule 15(a), as it will do here.

Accordingly,

IT IS ORDERED that Plaintiff’s Motion for Leave to File Amended Complaint is granted.

IT IS FURTHER ORDERED that Defendant Seabury & Smith may conduct another deposition of Plaintiff in order to obtain information regarding Plaintiff’s new claim under Michigan’s Persons with Disabilities Civil Rights Act, MCL 37.1101, *et seq.*

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: April 27, 2007
Detroit, Michigan

**I hereby certify that a copy of the foregoing document
was served this date upon counsel of record
electronically and/or via first-class mail.**

/s/ Patricia Foster Hommel
Patricia Foster Hommel
Secretary to Chief Judge Friedman

¹The original Scheduling Order, issued in October 2006, states that discovery closes on May 7, 2007.